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: DECISION ON PETITION

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Bernard P. Codd
600 13th Street N.W.
Washington DC 20005-3096

In re Application of: KAMIJO, MOTOHISA
Appl. No.: 10/733,369
Filed: December 12, 2003
For: STARTUP COMBUSTOR

This is a decision on the petition filed on September 8, 2005 by which petitioner requests restart of time period for response to commence from stated date of receipt of Office Action from PAIR due to non-receipt of Office action via US Postal Service. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

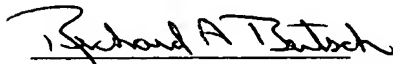
The petition is granted.

It appears from the petition that the Office letter in question, mailed May 25, 2005, was never received by petitioner. This conclusion is reached based upon the evidentiary showing that accompanies the petition, which is persuasive that the Office letter in question was not received. In general, compare the requirements of the Notice published at 1156 OG 53 with respect to nonreceipt of Office correspondence. It is noted that the evidence presented is related to docketing systems that would indicate a response being due on a particular date rather than evidence of logging of incoming mail on or about the estimated time receipt of the May 25 2005 Office Action. However, petitioner does aver that petitioner's common business practices include dating /logging of all correspondence received from the USPTO, and that daily docket reports and log books do not show an entry for the instant application.

It appears that petitioner is entitled to have the Office letter dated May 25 2005 remailed. However, petitioner has also stated that petitioner's have retrieved a copy of the May 25, 2005 Office Action from the PAIR system on August 26, 2005. Petitioner is requesting the three-month time period for response be reset from the date of retrieval from the PAIR system. This request is reasonable and appropriate.

Accordingly, the application is being forwarded to the Head Supervisory Applications Examiner in Technology Center 3700 to have an entry in the PALM system made to show that the paper of December 17, 2004 has been remailed as of August 26, 2005.

PETITION GRANTED


Richard A. Bertsch, Director
Technology Center 3700